

IN THE JUSTICE OF THE PEACE COURT OF
THE STATE OF DELAWARE, IN AND FOR SUSSEX COUNTY
COURT NO. 17

DEBORAH HARRIS
Plaintiff Below,
Appellant

V.

VICTORIA LEE (TITUS)
Defendant Below,
Appellee

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C.A. No. JP17-17-004633

TRIAL DE NOVO

Submitted: September 25th, 2017
Decided: September 25th, 2017

APPEARANCES:

Paul G. Enterline, Esq., Georgetown, for Deborah Harris
Victoria Lee (Titus) failed to appear

Davis, Chief Magistrate
Bradley, Justice of the Peace
Comly, Justice of the Peace

Comly for the Court

**IN THE JUSTICE OF THE PEACE COURT OF
THE STATE OF DELAWARE, IN AND FOR SUSSEX COUNTY
COURT NO. 17**

CIVIL ACTION NO: JP17-17-004633

DEBORAH HARRIS VS VICTORIA LEE (TITUS)

ORDER ON TRIAL DE NOVO

The Court has entered a judgment or order in the following form:

This is a Summary Possession action. Deborah Harris is the landlord and Victoria Lee (Titus) is the tenant for a rented room located at 30975 Crepe Myrtle Drive, Unit 115, Gull Point, Millsboro, Delaware. On September 11, 2017 the Court below entered a judgment for the Defendant-tenant. On September 14, 2017 the landlord filed an appeal pursuant to 25 Del. C. § 5717(a). A trial de novo was scheduled for Monday, September 25, 2017. This is the Courts order following a pretrial conference pursuant to Rule 16(e).

At the pretrial conference the landlord's attorney filed an oral motion for a default judgment. Since neither the landlord nor the tenant appeared, there were no witnesses and no evidence was or could have been presented to the Court at the scheduled time for the trial. The Court had no basis on which to enter a judgment. Therefore, the appeal is dismissed and the judgment entered on September 11, 2017 stands.

IT IS SO ORDERED 25th day of September, 2017



Justice of the Peace



Information on post-judgment procedures for default judgment on Trial De Novo is found in the attached sheet entitled Justice of the Peace Courts Civil Post-Judgment Procedures Three Judge Panel (J.P. Civ. Form No. 14A3J).